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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Turkey

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.15-09368 (E)
1509368

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The following recommendations posed during the second cycle of Turkey's UPR review on 27 January 2015, have been examined by Turkey and the responses are provided below.

150.1. **Accepted**, subject to the decision of the authorities competent to ratify international agreements.

150.2. **Not accepted**. Turkey is committed to the ideals and principles which underpin the Rome Statute and the International Criminal Court. In view of the Court's complementary jurisdiction, Turkey has made some modifications in its domestic legislation. Some more modifications are still needed. Yet, Turkey believes that as long as terrorism is not included within the ambit of the Rome Statute, the ICC will remain seriously inadequate.

150.3. **Not accepted**. See response to recommendation 150.2.

150.4. **Not accepted**. See response to recommendation 150.2.

150.5. **Not accepted**. See response to recommendation 150.2.

150.6. **Not accepted**. See response to recommendation 150.2.

150.7. **Not accepted**. See response to recommendation 150.2.

150.8. **Not accepted**. See response to recommendation 150.2.

150.9. **Not accepted**. The issue necessitates the careful assessment of the competent Turkish authorities.

150.10. **Not accepted**. See response to recommendation 150.9.

150.11. **Not accepted**. The 4th Judicial Reform Package amended Article 94 of the Turkish Penal Code abolishing the statute of limitations with regard to the offence of torture. However, currently no work is underway for abolishing statute of limitations on items referred to in the recommendation.

150.12. **Accepted** in view of the scope of the recommendation and bearing in mind Article 10 of the Constitution which safeguards equal rights of men and women and further enhances women's rights by including a positive discrimination clause, as well as the priority given by the Government to combatting discrimination and violence against women.

150.13. **Not accepted**. Article 125 of the Turkish Penal Code on defamation is in line with the case-law of the European Court of Human Rights. The Article does in no way lead to prosecution of human rights defenders and journalists.

150.14. **Not accepted**, no grounds for amendment at this stage.

Law no. 5651 (Internet Law) which safeguards freedom of expression while protecting personal rights and privacy is in line with international standards, in particular Article 10 of the European Convention on Human Rights, and Article 15 of the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 on privacy and electronic communications which provide for restrictions of electronic communications on basis of national security, public order and prevention of crime. Furthermore, the implementation of the law is followed within the framework of the Action Plan on Prevention of Violations of European Convention on Human Rights adopted in 2014.

150.15. **Not accepted**. Article 26 of the Constitution is in line with Article 10 of the European Convention on Human Rights to which Turkey is a party.

150.16. **Accepted**. The revision of the Law is a matter that could only be considered if the need arises. See also explanation provided for recommendation 150.14.

150.17. **Not accepted**, no grounds for amendment at this stage.

As a rule, the decision to remove content and/or block access is given by a judge. The decision to remove content and/or block access issued by the Presidency of Telecommunication and Communication (TIB) in cases of breach of privacy where delay may cause harm/irreversible damage is to be submitted for the approval of the judge within 24 hours. The judge shall announce his/her decision within 48 hours. Accordingly, the decision of the TIB is subject to judicial oversight within 72 hours.

Likewise, as an exception, only in cases where delay may cause harm/irreversible damage, in other words "in cases where delay is prejudicial" as stipulated in the Constitution, upon the request of the Prime Ministry or related Ministries on grounds of protection of right to live, protection of property, national security and public order, prevention of crime or protection of public health, TIB may decide to remove content and/or block access. The decision of the TIB shall be submitted for the approval of the judge within 24 hours. The judge shall announce his/her decision within 48 hours. Accordingly, the decision of the TIB is subject to judicial oversight.

Furthermore, see also explanation provided for recommendation 150.14.

150.18. **Not accepted**. In recent years, Turkey has significantly improved its basic laws with a view to expanding the scope of the freedom of expression and aligning the legislation with the standards of the European Court of Human Rights and universal norms.

Furthermore, implementation of the legislation related to freedom of expression is closely followed by the Ministry of Justice and within the framework of the Action Plan on the Prevention of Violations of the European Convention on Human Rights. However, currently, no work is underway for amending the provisions mentioned in the recommendation.

150.19. **Not accepted**. See response to recommendation 150.18.

150.20. **Not accepted**. See response to recommendation 150.14.

150.21. **Not accepted**. See response to recommendation 150.17.

150.22. **Already implemented**. No Turkish legislation includes any provision that would lead to imprisonment of journalists on account of their journalistic work. Everyone is equal before the law without any distinction as to their profession.

On the other hand, 4th judicial reform package of 2013 amended the Anti-Terror Law in line with the case-law of the European Court of Human Rights and accordingly Article 6 and 7 of the Anti-Terror Law was amended so as to reflect a more concrete criteria for conviction.

150.23. **Already implemented.** Article 34 of the Constitution safeguards the right to peaceful assembly. Accordingly, everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission. Procedures for peaceful meetings and demonstrations are regulated by the Law no. 2911 and the by-law on its implementation. The Law no. 2911 also upholds the right to peaceful assembly as enshrined in the Constitution. Accordingly, the right to peaceful assembly is explicitly recognized and safeguarded by the current legislation.

150.24. **Not accepted** in view of the scope of the recommendation.

Article 10 of the Constitution safeguards equality before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Thanks to the phrase "or any such grounds", grounds for prohibition of discrimination are just exemplary, not limited to those listed in the Article. Furthermore, a

comprehensive law on anti-discrimination and equality has been drafted. The final text of the draft law is subject to the decision of the competent legislative authorities.

150.25. **Not accepted**. See response to recommendation 150.24.

150.26. **Accepted**. See response to recommendation 150.12.

150.27. **Not accepted**. See response to recommendation 150.24.

150.28. **Not accepted**. Relevant legislation has recently been strengthened and no further amendment is envisaged at this stage.

With a view to combating hate crimes, Article 122 of the Turkish Penal Code (TPC) on discrimination was amended within the framework of the Law no. 6529 adopted by the Parliament on 2 March 2014 which legislates the reforms announced through the Democratization Package. Accordingly, the title of the Article is changed from "discrimination" to "hatred and discrimination" and the penalty for those that discriminate in the acts cited in the article on ground of hatred based on differences of language, race, nationality, colour, sex, disability, political opinion, philosophical belief, religion or sect is increased.

150.29. **Already implemented**. The implementation of the recommendations posed during the second cycle of review and enjoy the support of Turkey, are monitored by the Reform Action Group, which plays a leading role in Turkey's human rights reform process.

UPR recommendations are to be considered within the aforementioned Action Plan on the Prevention of Violations of the European Convention on Human Rights of 2014 to the extent they correspond with each other.

150.30. **Not accepted**. See response to recommendation 150.24.

150.31. **Already implemented**. As in any democratic country governed by the rule of law, perpetrators of acts of discrimination and hate crimes against LGBTI persons are held to account and the judicial processes are diligently carried out. See also explanation provided for recommendation 150.24.

150.32. **Already implemented**. In recent years, Turkey has taken significant steps to combat discrimination on any ground and to ensure equality in practice. See also explanation provided for recommendation 150.24.

150.33. **Not accepted**. As there is no practice of publishing disaggregated data on complaints of violence against LGBTI persons. However, see responses to recommendations 150.31 and 150.24.

150.34. **Not accepted**. See response to recommendation 150.24.

150.35. **Already implemented**. Minority rights in Turkey are regulated in accordance with the Lausanne Peace Treaty, under which Turkish citizens belonging to non-Muslim minorities fall within the scope of the term "minority". No other definition of minority on any other basis exists in Turkey.

Dialogue with non-Muslim minorities has continued to increase. We are taking every step in order to further promote and protect the rights of our citizens belonging to religious minorities, including restoration, renovation and re-opening for service of places of worship of our religious minorities. As a most recent example, the Grand Synagogue in Edirne was opened for service on 26 March 2015 following restoration works. Furthermore, as a result of the legislative amendments undertaken in 2002, 2003, 2008 and 2011, 1029 immovable properties have been registered in the name of community foundations, and compensation for 21 immovables was paid between 2003–2014.

Furthermore, high-level officials meet with Alevi citizens and their problems and solution proposals have been heard and discussed directly.

150.36. **Not accepted**. In accordance with the Constitution, religious culture and ethics is a compulsory course in curriculum. New religious culture and ethics course books, which also include information about Alevi faith, were published by the Ministry of National Education in September 2011 and included in the curriculum of the 2011–2012 academic year.

150.37. **Already implemented**. Turkish citizens belonging to non-Muslim minorities in Turkey are able to carry out activities which require legal personality through their foundations and associations which may acquire movable and immovable property.

These citizens benefit from the minority rights stipulated in the Lausanne Peace Treaty. Accordingly, they have their own schools and at these schools, all courses except Turkish and Turkish culture are taught in their own languages. Students belonging to non-Muslim minorities can also freely attend any other public or private school that is not run by their respective minorities, without any restriction. At these schools, they are exempt from religious culture and ethics classes.

150.38. **Not accepted**. See response to recommendation 150.15.

150.39. **Not accepted**. See response to recommendation 150.18.

150.40. **Not accepted**. See responses to recommendations 150.15 and 150.18.

150.41. **Already implemented**.

150.42. **Not accepted**. See response to recommendation 150.14.

150.43. **Not accepted**. Related article of the TPC on defamation is in line with the case-law of the European Court of Human Rights. Limitations on freedom of expression, peaceful assembly and association are in line with international standards. Furthermore, implementation of the related legislation is followed within the framework of the Action Plan on Prevention of Violations of European Convention on Human Rights of 2014.

150.44. **Not accepted**. Limitations on freedom of expression and press, peaceful assembly and the right to access information are in line with international standards.

150.45. **Not accepted**. See response to recommendation 150.44.

150.46. **Not accepted**. Minority rights in Turkey are regulated in accordance with the Lausanne Peace Treaty, under which Turkish citizens belonging to non-Muslim minorities fall within the scope of the term "minority". Turkish citizens belonging to non-Muslim minorities enjoy and exercise the same rights and freedoms as the rest of the population and in addition they benefit from the minority rights stipulated in the Lausanne Peace Treaty. Turkish citizens belonging to non-Muslim minorities have their own places of worship, schools, foundations, hospitals, as well as printed media. In recent years, significant steps were taken in order to further promote and protect rights of our citizens belonging to non-Muslim minorities in particular property and education rights and freedom of religion. Please also see response to recommendation 150.24.

150.47. **Already implemented**. See response to recommendation 150.35.

150.48. **Not accepted**. According to the relevant Turkish legislation, based on the Lausanne Peace Treaty, only minority students are accepted to their respective minority schools in principle.

However, in accordance with the reciprocity clause inserted in the legislation, children of the Turkish and Greek officials, bearing diplomatic status, as well as children of the Turkish and Greek military personnel, appointed to international tasks in each other's

country are allowed to attend to the Turkish minority schools in Western Thrace and Greek minority schools in Istanbul respectively.

150.49. **Already implemented**. In accordance with the Lausanne Peace Treaty and the related Turkish legislation, Turkish citizens belonging to non-Muslim minorities have their own schools and at these schools, all courses except Turkish and Turkish culture are taught in their own languages. On the other hand, public schools began to offer elective courses on "Living Languages and Dialects" to all students enrolled in such schools to learn other spoken languages and dialects other than Turkish as of 2012–2013 academic year.

150.50. **Not accepted**. The withdrawal of the geographical limitation to the 1951 Convention relating to the Status of Refugees is a matter that can be considered provided that:

- This must be thoroughly addressed during the accession negotiations with the European Union;
- This must not lead to an influx of refugees;
- The legislative and infrastructural amendments are to be completed;
- The European Union is to show the necessary sensitivity on burden-sharing;
- Turkey and the EU sign the accession treaty.

150.51. **Already implemented**. Under the Law on Foreigners and International Protection, following the assessment of their applications, those coming from Europe can be given refugee status. The said Law provides for international protection and grants "conditional refugee" status in respect of foreigners coming from non-European countries until they settle in a third country.

Notwithstanding this difference in definition, no distinction is made in terms of ayslum procedures and all requests by applicants are considered in accordance with the 1951 Convention and the 1967 Protocol and the Law on Foreigners and International Protection Law. Both groups enjoy social and health assistance, right to work, employment, and education without discrimination.

Furthermore, the protection and humanitarian assistance Turkey provides for Syrians and Iraqis is a testimony to Turkey's strong commitment to non-discrimination towards international protection seekers.

150.52. **Already implemented**. See responses to recommendations 150.22 and 150.14.

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Report of the Working Group on the Universal Periodic Review*

Guyana

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Recommendation	*State position*	*Comments*
Thematic area 1: Human rights mechanisms and policy measures		
Right to life – Death penalty 132.1;132.2;132.3;132.4;132.5; 132.6;132.43; 132.44; 132.45;132.46; 132.47; 132.48;132.49	Noted	Guyana notes these recommendations because the death penalty is still part of the laws of Guyana. A de facto moratorium has been in place since 1997 and as a result over 15 prisoners on death row have had their sentence commuted to life imprisonment and some of them will be coming up for parole in the next 3 years.The *Criminal Law Offences (Amendment) Act 21 of 2010*removed the mandatory death penalty for persons convicted of murders and made provisions for life imprisonment and imprisonment with the possibility of parole. The death penalty was retained in limited cases such as murder of a police officer on duty or treason. It is anticipated the matter will continue to engage the attention of the Parliamentary Special Select Committee in the recently convened 11th Parliament.
Women's rights 132.7;132.8;132.9	Noted	Guyana is committed to the observance of rights of women as set out in the *Convention on the Elimination of All Forms of Discrimination against Women* and incorporated into domestic law in the Constitution of Guyana. However, it is the view of the Government that the Women and Gender Equality Commissionand other Human Rights Commissions established by the Constitution as well as the Supreme Court of Guyana provide easily accessible and timely relief where is it alleged that a right has or is being violated.
American Convention on Human Rights 132.10	Noted	Guyana is committed to the observance of human rights and promulgation of the principles of the *Charter of the Organisation of American States*. Most of these rights are already enshrined in Guyana's Constitution. However, Guyana is not in a position to become a State Party to the ACHR at this juncture as outstanding issues including the position on the death penalty and LGBTneed to be resolved. These are expected to engage the attention of the Eleventh Parliament. Nevertheless,Guyana is confident that adequate safeguards exist to protect the fundamental and human rights of all Guyanese.

Torture 132.11; 132.12; 132.13; 132.14;132.15;132.50	Noted	Guyana notes these recommendations. The Constitution of Guyana strictly prohibits torture and mistreatment of detainees and inmates. The Government of Guyana has publicly gone on record and condemned any form of abuse and torture and repeatedly demanded that any allegation of torture and mistreatment of citizens, including prisoners, must be expeditiously investigated and action taken against defaulting ranks. The Police Office of Professional Responsibility and Criminal Investigation Department, along with the recently strengthened Police Complaints Authority and the Chambers of the Director of Public Prosecutions have all been playing a pivotal role in the prevention and prosecution for torture.
Enforced disappearance 132.17	Noted	Guyana notes this recommendation and has initiated the relevant consultation processes to accede to the *International Convention for the Protection of All Persons from Enforced Disappearance*.
Genocide 132.18	Noted	Guyana recognizes that the crime of genocide is reprehensible and condemned by the civilized world. Please be reminded that Guyana is a party to the *Rome Statute of the International Criminal Court* which criminalises genocide.
International Criminal Court 132.20	Noted	Guyana, as a party to the *Rome Statute of the International Criminal Court*, is cognisant of the obligations arising therefrom and undertakes to enact the relevant laws.
National human rights institution 132.21; 132.22; 132.23	Accepted	Guyana accepts these recommendations. The Constitution of Guyana establishes a Human Rights Commission, Women and Gender Equality Commission, Indigenous People's Commission, Rights of the Child Commission and Office of the Ombudsman.
Cooperation with special procedures 132.24;132.25;132.26; 132.27	Noted	There is willingness on Guyana's part to accommodate and cooperate with all UN bodies. However, a commitment for a standing invitation to all special procedures may not be within the capacity of the government at this time.

Women, peace and security 132.28	Accepted	Guyana accepts this recommendation. Guyana will continue to make every effort to safeguard the women and children from the effects of conflict and violence.
LGBT discrimination 132.29;132.30;132.31;132.32;132.33;132.34;132.35;132.36;132.37;132.38;132.39;132.40;132.41;132.42	Noted	The Government of Guyana undertakes to reconvene the Parliamentary Special Select Committee to receive and hear submissions on the attitude of Guyanese to any changes in legislative provisions and the criminal laws regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons.
Thematic area 2: Children		
Corporal Punishment 132.51;132.52;132.53;132.54;132.55	Noted	The Government of Guyana undertakes to reconvene the Parliamentary Special Select Committee to receive and hear submissions on the attitude of Guyanese to any changes in legislative provisions permitting corporal punishment. Substantial public consultation on the issue has already been completed. At present, there is in place a Manual of Guidelines for the *Maintenance of Order and Discipline in Schools*which significantly curtails the instances in which corporal punishment can be administered. The *Training School (Amendment) Act 2010* and the *Juvenile Offenders (Amendment) Act 2010* abolished corporal punishment in juvenile correctional institutions. The *Child Care and Development Services Act (2011)* also prohibits corporal punishment in institutional residences.
Optional Protocol to Convention on Rights of the child – Communications procedure 132.16	Noted	Guyana notes this recommendation and wishes to remind that the protection of children is given the highest priority. The *Protection of Children Act 2009* provides several avenues for protection of children. There is also the Childcare and Protection Agency within the Ministry of Social Protection and Schools Welfare Department within the Ministry of Education which oversee the best interests of children in Guyana.
Thematic area 3: Investigation of complaints against security forces		

Put in place an independent organ to investigate complaints of abuses perpetrated by members of the country's security forces 132.56	Accepted	Parliamentary oversight is provided in this area by the Security Sectoral Committee. The Office of Professional Responsibility and the Police Complaints Authority are also independent organs which investigate complaints of wrongdoing by members of the Guyana Police Force. Reports of all investigations are forwarded to the Director of Public Prosecutions for legal advice.
Thematic area 4: Juvenile Justice		
Age of criminal responsibility 132.57; 132.58;132.59;132.60	Noted	A draft legislative instrument addressing Juvenile Justice is under consultative review by the Government of Guyana, after which definitive consideration would be given to these matters.
Thematic area 5: Freedom of expression		
Online freedom of expression and defamation 132.61	Noted	The Government of Guyana notes this recommendation and reminds that freedom of expression is enshrined in *Article 146 of the Constitution of the Co-operative Republic of Guyana*. The Government of Guyana acknowledges that modernization of local laws is required and will explore this area in due course.
Thematic area 6: Education		
Quality of education and dropout rates 132.62;132.63	Accepted	Government accepts these recommendations. The government will continue to engage various stakeholders, including parents, to significantly reduce the school dropout rate and improve the quality of education as set out in the Ministry of Education Strategic Action Plan 2014-2018.
Thematic area 7: Indigenous people		
Quality of life for indigenous people 132.19;132.64	Accepted	Government accepts these recommendations and has initiated the relevant consultation processes to sign and ratify the Indigenous People's Convention. It is noted that the *Amerindian Act of 2006* relies on the Convention and there are several programmes ongoing to improve the lives of Guyana's Indigenous people.

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Report of the Working Group on the Universal Periodic Review*

Kuwait

Addendum

Views on the conclusions and/or recommendations and voluntary commitments and responses by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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I. Introduction

1. We wish to emphasize the State of Kuwait's respect for, and commitment to, the human rights enshrined in the State's Constitution of 1962 and in the laws and legislation promulgated pursuant thereto, from which it is clearly evident that the State of Kuwait is among the countries showing the highest regard for those rights, which it will continue to protect at the local level while endeavouring, together with the international community, to promote and protect all human rights.

2. The State of Kuwait re-emphasizes its firm commitment to the Universal Periodic Review, which constitutes a unique means to study and assess the development of human rights throughout the world and enables national authorities to exchange best practices in this field.

3. The State of Kuwait has accepted a large number of recommendations that are compatible with its constitutional principles and the teachings and precepts of the Islamic sharia, which is a source of legislation and the principal source for personal status law.

4. The following list of responses (accepting, partially accepting, taking note of or rejecting) specific recommendations grouped thematically shows the State's position in regard to each of those recommendations:

Responses of the State of Kuwait to the recommendations made during the consideration of its second national report within the framework of the Universal Periodic Review

Recommendation	*Position of the State of Kuwait thereon*
157-1	Note taken
157-2	Rejected
157-3	Rejected
157-4	Rejected
157-5	Rejected
157-6	Rejected
157-7	Rejected
157-8	Rejected
157-9	Rejected
157-10	Rejected
157-11	Rejected
157-12	Rejected
157-13	Rejected
157-14	Rejected

Recommendation	*Position of the State of Kuwait thereon*
157-15	Partially supported The first part ("continue strengthening the effort to take measures to protect the rights of migrants") is accepted, while the second part ("consider ratifying ICRMW") is rejected.
157-16	Rejected
157-17	Note taken Note is taken of the first part of the recommendation, while the second and third parts are rejected.
157-18	Note taken Although the State of Kuwait signed the Rome Statute of the International Criminal Court on 8 December 2000, it has not yet been ratified by the legislature for numerous constitutional and legal reasons. Hence, the State of Kuwait is not a State party to the Statute of the International Criminal Court; it is an observer State entitled solely to monitor the Court's work and the proceedings of the Assembly of States Parties without actually participating therein. The State of Kuwait's signature of the Rome Statute does not entail any treaty obligations or effects, as indicated in articles 125 and 126 of that Statute.
157-19	Note taken See 157-18
157-20	Note taken See 157-18
157-21	Note taken See 157-18
157-22	Note taken See 157-18
157-23	Note taken See 157-18
157-24	Note taken See 157-18
157-25	Note taken See 157-18
157-26	Rejected
157-27	Rejected

Recommendation	*Position of the State of Kuwait thereon*
157-28	Rejected
157-29	Rejected
157-30	Rejected
	The State of Kuwait rejects this recommendation because it is not applicable to the categories mentioned therein (the *Bidouns* and stateless persons). The issue that the State of Kuwait is looking into is the status of illegal residents who have concealed their national identity documents and are thereby in breach of the Residence of Foreigners Act No. 17/59.
	Moreover, although "stateless" is a legal term used in the Conventions of 1954 and 1961, its meaning as defined in those Conventions does not apply to illegal residents. **A stateless person is one whom no State recognizes as a national under its legislation.** In the case of illegal residents, on the other hand, their original nationalities have been established by the Central Agency on the basis of documentary evidence and, consequently, not being covered by those Conventions, they are regarded as being in breach of the Residence of Foreigners Act No. 17/59.
	They are therefore designated as illegal residents in accordance with Decree No. 467/2010, establishing the Central Agency, and the preceding Decree No. 221/93 establishing the Central Committee and Decree No. 58/96 establishing the Executive Committee.
157-31	Rejected
	See recommendation 5-30
157-32	Rejected
	See recommendation 5-30
157-33	Rejected
	See recommendation 5-30
157-34	Rejected
	See recommendation 5-30
157-35	Accepted
157-36	Accepted
157-37	Accepted
157-38	Accepted
157-39	Accepted
157-40	Accepted
157-41	Accepted

Recommendation	*Position of the State of Kuwait thereon*
157-42	Accepted
157-43	Accepted
157-44	Accepted
157-45	Accepted
157-46	Accepted
157-47	Accepted
157-48	Accepted
157-49	Accepted
157-50	Accepted
157-51	Accepted
157-52	Accepted
157-53	Accepted
157-54	Accepted
157-55	Accepted
157-56	Accepted
157-57	Accepted
157-58	Accepted
157-59	Accepted
157-60	Accepted
157-61	Accepted
157-62	Accepted
157-63	Accepted
157-64	Accepted
157-65	Accepted
157-66	Accepted
157-67	Accepted
157-68	Accepted
157-69	Accepted
157-70	Accepted
157-71	Accepted
157-72	Accepted

Recommendation	*Position of the State of Kuwait thereon*
157-73	Accepted
157-74	Accepted
157-75	Accepted
157-76	Accepted
157-77	Accepted
157-78	Accepted
157-79	Accepted
157-80	Accepted
157-81	Note taken
157-82	Accepted
157-83	Accepted
157-84	Accepted
157-85	Accepted
157-86	Accepted
157-87	Accepted
157-88	Accepted
157-89	Accepted
157-90	Rejected The laws of the State of Kuwait, and particularly the Criminal Code, make no distinction between men and women in regard to punishment. All persons are equal and anyone who commits an unlawful act is liable to the same penalty.
157-91	Accepted
157-92	Accepted
157-93	Accepted
157-94	Accepted
157-95	Accepted
157-96	Note taken In the State of Kuwait, all persons, without distinction on the basis of gender, enjoy equality in the financial sector and likewise have a guaranteed equal right to education, health care and housing, as stipulated in the Constitution and the laws. With regard to the elaboration of a comprehensive anti-discrimination law, since the State's legal system provides a homogeneous and comprehensive guarantee of the rights of women and of the elimination of discrimination and injustice against them, it

Recommendation	*Position of the State of Kuwait thereon*
	would be inappropriate to elaborate a comprehensive anti-discrimination law.
157-97	Note taken The rights and privileges of women are recognized in a number of relevant laws and legislative provisions. The stipulation that everyone has the right to education and all types of health insurance and care achieves the purpose insofar as it makes no distinction between men and women. Hence, there is no need to promulgate separate legislation. Legal rulings and regulations have already been issued under which women enjoy numerous privileges by virtue of their nature and, as in the case of all the public rights guaranteed in the Constitution, no distinction is made between men and women. The legal provisions concerning public rights and obligations apply to all citizens, regardless of their gender.
157-98	Accepted
157-99	Accepted
157-100	Accepted
157-101	Accepted
157-102	Accepted
157-103	Accepted
157-104	Accepted
157-105	Accepted
157-106	Accepted
157-107	Rejected In the light of article 2 of the Constitution of the State of Kuwait which stipulates that the Islamic sharia is a principal source of legislation and the religion of the State is Islam.
157-108	Rejected See 157-107
157-109	Rejected See 157-107
157-110	Rejected The civil law makes no distinction between men and women in regard to legal capacity and eligibility to dispose of property. The age of legal majority is 21 years, regardless of gender. Women's rights are also guaranteed to a large extent by the family law which makes provision for the establishment, in every governorate, of a family court to hear cases involving personal status, as well as the establishment of a centre,

Recommendation	*Position of the State of Kuwait thereon*
	attached to each such court, to settle family disputes in a fully confidential manner. The purpose of these centres is to protect family members, and especially women and children, against subjection to violence or abuse and to settle maintenance and custody problems without delay.
157-111	Note taken The State has promulgated a comprehensive corpus of special legislation to protect rights and freedoms and guarantee gender equality in respect thereof. The Labour Law does not differentiate between men and women in regard to remuneration or other rights, and the same principle of equal rights also applies to education, health, housing and social insurance.
157-112	Note taken The Civil and Criminal Codes and the Education Act do not discriminate between men and women since their general provisions apply to all citizens, regardless of gender. They recognize equal rights and impose equal obligations in conformity with article 29 of the Constitution. If the provisions of any enactment were discriminatory, its constitutionality would be challenged before the Constitutional Court, which would annul it. Therefore, the bodies responsible for the drafting of legislation take care to ensure that it does not conflict with the Constitution, under which equality is guaranteed regardless of gender.
157-113	Note taken The State has amended numerous legislative enactments containing discriminatory provisions affecting the freedom of women to apply for passports and to travel without the need for their husband's permission, as well as their political right to vote and stand as candidates in parliamentary elections, their right of access to all public offices without discrimination, and their right to housing. With regard to nationality, there is no intention to amend the legislation on this issue since it is a sovereign matter.
157-114	Rejected There is no proposal to amend the Nationality Act at the present time.
157-115	Note taken It is noteworthy that the Kuwaiti Nationality Act No. 15/1959 permits a Kuwaiti woman to transmit her nationality to her children under certain conditions specified therein.

Recommendation	*Position of the State of Kuwait thereon*
157-116	Partially supported The first part of the recommendation ("remove all gender-discriminatory provisions from the Nationality Act of 1959") is rejected on grounds relating to the State's sovereignty. The second part ("adopt comprehensive plans of action to achieve gender equality") and the third part ("to fight violence against women") are accepted.
157-117	Note taken
157-118	Rejected
157-119	Rejected
157-120	Rejected See recommendation 157-30
157-121	Rejected In the light of article 2 of the Constitution of the State of Kuwait which stipulates that the Islamic sharia is a principal source of legislation and the religion of the State is Islam.
157-122	Rejected See recommendation 157-121
157-123	Rejected See recommendation 157-121
157-124	Rejected See recommendation 157-121
157-125	Rejected See recommendation 157-121
157-126	Rejected See recommendation 157-121
157-127	Rejected See recommendation 157-121
157-128	Rejected See recommendation 157-121
157-129	Rejected See recommendation 157-121
157-130	Rejected See recommendation 157-121

Recommendation	*Position of the State of Kuwait thereon*
157-131	Rejected
	See recommendation 157-121
157-132	Rejected
	See recommendation 157-121
157-133	Rejected
	See recommendation 157-121
157-134	Rejected
	See recommendation 157-121
157-135	Rejected
	See recommendation 157-121
157-136	Rejected
	See recommendation 157-121
157-137	Rejected
	See recommendation 157-121
157-138	Rejected
	See recommendation 157-121
157-139	Rejected
	Acts of violence against the person are criminalized under the provisions of articles 160–164 of the Kuwaiti Criminal Code, which apply to all persons without any discrimination in regard to gender. The Criminal Code and the Code of Criminal Procedure, which constitute the general law on crime and punishment, regulate offences against the person in a comprehensive and equitable manner without regard for the gender of the offender or the victim. The law criminalizes all acts of violence and aggression against women (domestic violence, rape and indecent assault) and the factors of age and degree of kinship or relationship to the victim constitute aggravating circumstances in regard to the penalty prescribed. The State has taken many measures to protect women against violence. For example, the Ministry of the Interior has established a Community Police Department to provide sociopsychological support for women subjected to violence and, under the family law, centres have been established in all the governorates to receive wives subjected to violence and settle their problems.

Recommendation	*Position of the State of Kuwait thereon*
157-140	Note taken
	See 157-139
157-141	Accepted
157-142	Accepted
	See 157-139
157-143	Accepted
	See 157-139
157-144	Accepted
	See 157-139
157-145	Accepted
	See 157-139
157-146	Accepted
157-147	Accepted
157-148	Accepted
157-149	Accepted
	It should be noted that, in accordance with article 6 of the Rights of the Child Act, the guardian is empowered to take moderate disciplinary action.
157-150	Accepted
157-151	Accepted
157-152	Accepted
157-153	Accepted
157-154	Accepted
157-155	Accepted
157-156	Accepted
157-157	Accepted
157-158	Accepted
157-159	Accepted
157-160	Accepted
157-161	Accepted
157-162	Accepted
157-163	Accepted

Recommendation	*Position of the State of Kuwait thereon*
157-164	Partially supported The first part ("create a system of juvenile justice in line with international standards") is accepted, while the second part ("raise the minimum age of criminal responsibility") is rejected as being incompatible with the existing legal system.
157-165	Rejected Due to its incompatibility with the existing legal system, bearing in mind the fact that criminal penalties cannot be imposed on a juvenile offender under 15 years of age.
157-166	Accepted
157-167	Accepted
157-168	Accepted
157-169	Rejected Due to its incompatibility with the precepts of the Islamic sharia and the State's social values.
157-170	Rejected See 157-169
157-171	Rejected See 157-169
157-172	Rejected See 157-169
157-173	Accepted
157-174	Accepted
157-175	Accepted
157-176	Note taken The Constitutional Court has already reviewed the extent to which the criminalization of the acts referred to in article 25 of the Criminal Code is in compliance with international standards of freedom of expression. On 2 December 2013, the Court ruled that the objections raised in that regard were inadmissible and, consequently, the criminalization of such acts was sound insofar as it did not preclude criticism of public policies which, by their very nature, were subject to general debate and review by the State's public authorities. It should be noted that article 111 of the Criminal Code plays an important role in protecting spiritual life and the human right to freedom of religious belief insofar as it ensures social harmony in a multi-faith society and prevents the strife between followers of different religions that might occur if it were permissible for

Recommendation	*Position of the State of Kuwait thereon*
	one group to defame another group's religion, bearing in mind the fact that the right to criticize a religion is guaranteed within the context of specialized academic research. With regard to the protection of human rights defenders, journalists and bloggers against persecution and harassment, it goes without saying that such persons can be prosecuted only if they violate the provisions of the Criminal Code and any allegation of ill-treatment is promptly investigated by the competent authorities.
157-177	Accepted
157-178	Note taken
157-179	Accepted
157-180	Accepted
157-181	Accepted
157-182	Accepted
157-183	Accepted
157-184	Accepted
157-185	Accepted
157-186	Accepted
157-187	Accepted
157-188	Accepted
157-189	Accepted
157-190	Accepted
157-191	Accepted
157-192	Accepted
157-193	Accepted
157-194	Accepted
157-195	Accepted
157-196	Accepted
157-197	Accepted
157-198	Accepted
157-199	Accepted
157-200	Accepted

Recommendation	*Position of the State of Kuwait thereon*
157-201	Note taken Education is free and compulsory for all Kuwaitis, as stipulated in article 40 of the Constitution ("The State shall guarantee and safeguard the right of all Kuwaitis to education") and in article 1 of the Compulsory Education Act No. 11 of 1965, as amended by Act No. 25 of 2014, ("Education shall be compulsory for all male and female Kuwaiti children"). However, the State of Kuwait recognizes the right of all to be taught in private or government schools and, by way of exception, allows children of the following categories to study in Kuwaiti government schools: 1. Children of nationals of States members of the Gulf Cooperation Council. 2. Children of Kuwaiti mothers married to non-Kuwaitis. 3. Children of diplomats. 4. Children of non-Kuwaiti prisoners of war and martyrs. 5. Children of technical instructors and teachers working for the Ministry of Education. 6. Children of members of the teaching staff of the Public Authority for Applied Education and Training. 7. Children of members of the teaching staff of Kuwait University. 8. Children of sociologists working in government schools. 9. Children of members of the teaching staff of technical institutes attached to the Ministry of Higher Education. 10. Children of researchers working in the Kuwait Institute for Scientific Research. 11. Children of members of the teaching staff of Saad Al-Abdullah Academy for Security Sciences. 12. Children of the Yemeni Arab community. 13. Children of members of the teaching staff of the Arab Open University. 14. Children of science lecturers and librarians working in government schools. 15. Children of persons working for the Ministry of Education. 16. Children of persons working for the Ministry of Higher Education. 17. Children of illegal residents serving in, or retired from, the army and the police.

Recommendation	*Position of the State of Kuwait thereon*
157-202	Accepted
157-203	Accepted
157-204	Accepted
157-205	Accepted
157-206	Accepted
157-207	Accepted
157-208	Accepted
157-209	Accepted
157-210	Accepted
157-211	Accepted
157-212	Accepted
157-213	Accepted
157-214	Accepted
157-215	Accepted
157-216	Accepted
157-217	Accepted
157-218	Accepted
157-219	Accepted
157-220	Accepted
157-221	Partially supported The first part ("continue to further regulate the work of domestic workers") is accepted since the Ministry of the Interior is currently discussing a bill of law on domestic labour which makes provision for the stricter regulation of the employment of such workers. The second part ("improve the situation of refugees and asylum seekers") is rejected since there are no refugees in the State of Kuwait, which has not acceded to the Refugee Convention and, moreover, is making voluntary annual contributions to the Office of the High Commissioner for Refugees.
157-222	Accepted It should be noted that there are no migrant workers in the State of Kuwait, which is hosting only temporary contractual workers whose employment terminates on the expiration of their contracts. With regard to expansion of the scope of the Labour Law to cover domestic workers, the work that the latter perform is of a special nature different from the nature of work in the

Recommendation	*Position of the State of Kuwait thereon*
	private sector. A bill of law is currently being drafted to regulate the rights of domestic workers in the same way as the Private Sector Labour Law.
157-223	Accepted
	See recommendation 157-222.
157-224	Accepted
	See recommendation 157-222
157-225	Accepted
	See recommendation 157-222
157-226	Accepted
	See recommendation 157-222
157-227	Accepted
	See recommendation 157-222
157-228	Accepted
	See recommendation 157-222
157-229	Note taken
157-230	Accepted
	See recommendation 157-222
157-231	Accepted
	See recommendation 157-222
157-232	Accepted
	See recommendation 157-222
157-233	Accepted
157-234	Accepted
157-235	Accepted
	See recommendation 157-222
157-236	Note taken
	It is noteworthy that persons in breach of the residence regulations are subject to the Residence of Foreigners Act No. 17/1959.
157-237	Accepted
	See recommendation 157-222
157-238	Note taken

Recommendation	*Position of the State of Kuwait thereon*
157-239	Accepted
	See recommendation 157-222
157-240	Rejected
	See recommendation 5-30
157-241	Rejected
	See recommendation 5-30
157-242	Rejected
	See recommendation 5-30
157-243	Rejected
	See recommendation 5-30
157-244	Rejected
	See recommendation 5-30
157-245	Rejected
	Involving sovereign matters
157-246	Rejected
	See recommendation 5-30
157-247	Rejected
	See recommendation 5-30
157-248	Rejected
	See recommendation 5-30
157-249	Rejected
	See recommendation 5-30
157-250	Rejected
	See recommendation 5-30
157-251	Rejected
	See recommendation 5-30
157-252	Rejected
	Involving sovereign matters
157-253	Rejected
	See recommendation 5-30
157-254	Rejected

Recommendation	*Position of the State of Kuwait thereon*
	See recommendation 5-30
157-255	Accepted
157-256	Accepted
157-257	Accepted
157-258	Accepted
157-259	Accepted
157-260	Accepted
157-261	Accepted
157-262	Accepted
157-263	Accepted
157-264	Accepted
157-265	Accepted
157-266	Accepted
157-267	Accepted
157-268	Accepted
157-269	Accepted
157-270	Accepted
157-271	Accepted
157-272	Accepted
157-273	Accepted
157-274	Accepted
157-275	Accepted
157-276	Accepted
157-277	Accepted
157-278	Accepted